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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,630

09/05/2003

David J. Parins

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EXAMINER

HOEKSTRA, JEFFREY GERBEN

ART UNIT

PAPER NUMBER

3736

MAIL DATE

DELIVERY MODE

06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,630

Applicant(s)

PARINS, DAVID J.

Examiner

Jeffrey G. Hoekstra

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 34-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Notice of Amendment

1. In response to the amendment filed on 03/20/2007, the current rejections of the claim(s) 1-33 is/are *withdrawn*. The following new and reiterated grounds of rejection are set forth:

Claim Objections

2. Claim 26 is objected to because of the following informalities: the positive recitation of "a plurality of discrete affixation points" in lines 1-2 appears to duplicate the "a plurality of discrete affixation points" structure of claim 25 and may render the claim indefinite. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-6, 8-11, 13-14, 16-19, 21-22, 24-27, 29-30, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Golds (US 6,312,458 B1).

5. For claims 1, 9, 17, and 25, Golds discloses an intracorporal medical device (5 and 17), comprising:

- an elongate shaft (12 and 18) having a proximal end (the right side of the shaft along the longitudinal axis 22 in Figures 3 and 4) and an opposing distal end (the left side of the shaft along the longitudinal axis 22 in Figures 3 and 4);

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- a helically wound coil (2, 3, and 14) having a plurality of windings (4 and 15) forming a coil length (along directions 24, 26, and/or 28 as best seen in Figures 3-5) disposed about a portion of the distal end (as best seen in Figures 3 and 4);
- a thermoplastic (column 6 lines 1-9) polymer sleeve (20) circumferentially disposed about a portion of the coil length (as best seen in Figures 3 and 4); and
- a plurality of discrete affixation points (column 6 lines 25-52 and element 30) disposed along the coil length, wherein each discrete affixation point fixes the thermoplastic polymer sleeve to two or more coil windings (column 6 lines 9-67 and at least claims 6 and 16), wherein each discrete affixation point is separated from other discrete affixation points by areas where the polymer sleeve is not affixed to the coil (column 6 lines 9-67 and at least claims 6 and 16).

6. For claims 2, 10, 18, and 26, Golds discloses an intracorporal medical device (5 and 17), wherein the plurality of discrete affixation points includes 10 discrete affixation points disposed along the coil length (column 6 lines 9-67, at least claims 6 and 16, and Figures 3-5).

7. For claims 3, 5, 11, 13, 19, 21, 27, and 29, Golds discloses an intracorporal medical device (5 and 17), wherein the plurality of discrete affixation points forms a non-uniform and/or uniform pattern along the coil length (column 6 lines 9-67 and at least claims 6 and 16).

8. For claims 6, 14, 22, and 30, Golds discloses an intracorporal medical device (5 and 17), wherein the discrete affixation point fixes 3 to 10 coil windings to the thermoplastic sleeve (column 6 lines 9-67, at least claims 6 and 16, and Figures 3-5).

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9. For claims 7, 15, 23, and 31, Golds discloses an intracorporal medical device (5 and 17), wherein each discrete affixation point is a discrete element aligned orthogonal to the windings (as best seen in Figures 5 and 6).

10. For claims 8, 16, 24, and 32, Golds discloses an intracorporal medical device (5 and 17), wherein each discrete affixation point is an element capable of having a width of 0.1 to 0.5 mm and a length of 0.1 to 0.3 mm (column 5 lines 59-67).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4, 7, 12, 15, 20, 23, 28, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golds.

13. Golds discloses the claimed invention but does not explicitly disclose the plurality of discrete affixation points having a density of discrete affixation points per unit length that decreases from the proximal end to the distal end. It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the plurality of discrete affixation points along the length of an intracorporal medical device as taught by Golds with a density of discrete affixation points per unit length that decreases from the proximal end to the distal end, because Applicant has not disclosed that a density of discrete affixation points per unit length that decreases from the proximal end to the distal end provides an advantage, is used for a particular purpose, or solve a stated

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problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the plurality of discrete affixation points along the length of an intracorporal medical device as taught by Golds, because it provides a means for configuring the flexibility along a longitudinal direction of the intracorporal medical device (column 3 lines 1-5 and column 6 lines 19-24) and since it appears to be an arbitrary design consideration which fails to patentably distinguish over Golds. Therefore, it would have been an obvious matter of design choice to modify Golds to obtain the invention as specified in the claim(s).

Response to Arguments

14. Applicant's arguments, see pages 9-10, filed 03/20/2007, with respect to the rejection(s) of claim(s) 1-33 under 103(a) over Richardson in view of Kaldany have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference(s) as explained and set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571) 272-7232. The examiner can normally be reached on Monday through Friday, 8:00 a.m. to 5:00 p.m. EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on (571) 272-4726. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.H./
Jeff Hoekstra
Examiner, Art Unit 3736


JEFF HOEKSTRA
PATENT EXAMINER
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